

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BASIN AND RANGE WATCH,

Case No. 2:16-CV-403 JCM (PAL)

Plaintiff(s),

ORDER

v.

BUREAU OF LAND MANAGEMENT AND  
THE U.S. DEPARTMENT OF THE  
INTERIOR,

Defendant(s).

Presently before the court is the joint motion to stay proceedings on the merits, submitted by all parties. (ECF No. 53). This motion requests that this court “reinstate the stay of briefing and resolution of the merits of the claims in this case pending the Court’s adjudication of Basin and Range Watch’s Motion for Attorneys’ Fees and Costs.”<sup>1</sup> (*Id.* at 1–2). The parties assert that this issue is not moot and that this route to resolution will “conserve the parties’ and the Court’s resources.” (*Id.* at 2).

The parties further state as follows:

[B]ecause of [the Freedom of Information Act]’s unique standard for “substantially prevailing party,” a resolution of the outstanding claims in this case is not necessary for the Court to adjudicate Basin and Range Watch’s Motion for Attorneys’ Fees and Costs, that the adjudication of that Motion will fully resolve the remaining disputed issues between the parties, and that *the Court may issue judgment and close the case with its order resolving that Motion.*

(*Id.*) (emphasis added).

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<sup>1</sup> The court acknowledges the parties’ compliance with its March 1, 2017, order (ECF No. 51) and their submission of the requested stipulation (ECF No. 52).

Therefore, all parties have submitted to the court their belief that the dispositive motion in the present case will be the relevant motion for attorneys' fees and costs (ECF No. 43). *See* (ECF No. 53). Thus, the parties' representations indicate that the unresolved motion for summary judgment (ECF No. 20) and cross-motion for summary judgment (ECF No. 21) are moot.

5 | Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the parties' joint motion  
to stay proceedings on the merits (ECF No. 53) be, and the same hereby is, GRANTED.

8 IT IS FURTHER ORDERED that defendants' motion for summary judgment (ECF No.  
9 20) and plaintiff's cross-motion for summary judgment (ECF No. 21) be, and the same hereby are,  
10 DENIED as moot.

IT IS FURTHER ORDERED that, if the parties have not reached settlement or otherwise resolved the case within thirty (30) days of this court's adjudication of the motion for attorneys' fees and costs (ECF No. 43), they may resubmit their motions for summary judgment.

14 DATED March 10, 2017.

Xem C. Mahan  
UNITED STATES DISTRICT JUDGE